

Notice of Allowability

Application No.

10/686,373

Applicant(s)

CUNNINGHAM ET AL.

Examiner

William L. Miller

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3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment received 09-14-2005.
2. ☒ The allowed claim(s) is/are 1 and 3-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 11172005.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>11172005</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>05172005</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Wayne Jacobs on 11-17-2005.

The application has been amended as follows:

In the claims:

Claim 1, line 7, before "." insert --wherein said cover is no wider than said upper edge whereby said cover conceals only said upper edge of said shell--;

Cancel claim 2;

Claim 5, line 9, before "." insert --, and wherein said cover is no wider than said upper edge whereby said cover conceals only said upper edge of said shell--;

Claim 10, line 9, before "." insert --, and wherein said cover is no wider than said upper edge whereby said cover conceals only said upper edge of said shell--;

Claim 11, line 8, before "." insert --, and wherein said cover is no wider than said upper edge whereby said cover conceals only said upper edge of said shell--;

Claim 12, line 9, before "." insert --, and wherein said cover is no wider than said upper edge whereby said cover conceals only said upper edge of said shell--;

Claim 16, line 1, change "The" to --A-- and change "of claim 15 wherein said means comprises" to --comprising: a shell having a pair of opposed side walls and a pair of opposed end

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walls, said walls defining an upper edge of said shell; a lid closeable upon said edge of said shell; and a one-piece cover removably securable to said shell and concealing said edge when said lid is open, said cover being at least semi-rigid, said cover adapted to be removed from said shell edge for proper closing of said lid on said shell edge, and wherein said cover is removably secured to said shell via--;

Claim 20, line 8, before “.” insert --, and wherein said cover is no wider than said upper edge whereby said cover conceals only said upper edge of said shell--; and

Claim 21, line 8, before “.” insert --wherein said cover is no wider than said upper edge whereby said cover conceals only said upper edge of said shell--.

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: the decorative fabric (claim 10) and printed decorative surface ornamentation (claim 12) must be shown. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance: Regarding claim 1, Bashuk (US#2943376) discloses a casket comprising: a shell having opposing side 16, 18 and end walls 14 defining an upper edge of the shell; a lid 22; and a cover 10 (Figs. 5 and 6) being at least semi-rigid and adapted to be removed from the shell edge for proper closing of the lid on the shell edge. However, the cover is wider than the upper edge of the shell as it extends outwardly beyond side wall 16 as shown in Fig. 2, and it would not have been obvious to one of ordinary skill in the art to modify Bashuk such that the cover was no wider than the upper edge of the shell. Claims 5, 10-12, 20, and 21 include the allowable subject matter discussed above

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and are therefore allowable for at least the same reason(s). Regarding claim 16, Bashuk discloses the cover is removably secured to the shell edge via a press-fit connection therebetween, namely snapping cover elements 36/40 onto the edge, however the cover is not one-piece but rather includes a distinct rigid board 32/34, a distinct cushion 44/46, and a distinct clamp 36/40. It would not have been obvious to one of ordinary skill in the art to modify Bashuk by replacing the multi-piece cover with a one-piece cover.

4. Regarding claim 1, Lau (US#5740592) discloses a casket comprising: a shell having opposing side 5,5' and end walls 6,6' defining an upper edge of the shell; a lid 3; and a cover 10 being at least semi-rigid wherein the cover is no wider than the upper edge of the shell and conceals only the upper edge of the shell. However, the cover remains secured to shell when the lid is closed thereon as opposed to being removed from the shell edge for proper closing of the lid on the shell edge, and it would not have been obvious to one of ordinary skill in the art to modify Lau such that the cover was removed from the shell edge for proper closing of the lid on the shell edge. Regarding claim 5, Lau fails to disclose the cover concealing a rubber gasket, and it would not have been obvious to one of ordinary skill in the art to modify Lau such that cover concealed a rubber gasket. Regarding claims 10-12, Lau discloses the cover is wood or plastic to form a sturdy rim around the shell edge as opposed to the cover being a decorated cardboard, and it would not have been obvious to one of ordinary skill in the art to modify Lau such that the cover was a decorated cardboard. Regarding claim 16, although Lau discloses the cover is one-piece (end cover element without handles), the cover is not removably secured to the shell edge via a press-fit connection, namely the cover resiliently snapping onto the shell edge. It would not have been obvious to one of ordinary skill in the art to modify Lau such that the cover was

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removably secured to the shell edge via a press-fit connection as the cover resiliently snapped onto the shell edge. Regarding claims 20 and 21, the Lau cover is not a decorative element but exists rather to provide a sturdy rim around the shell edge as discussed above. Thus, it would not have been obvious to one of ordinary skill in the art to modify Lau to include an engraveable plate mounted to the cover, or the cover being engraved with an inscription.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

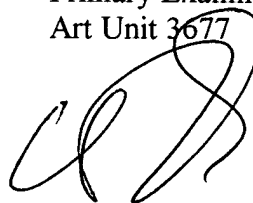
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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William L. Miller
Primary Examiner
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A handwritten signature in black ink, consisting of stylized, overlapping loops and curves, positioned below the printed name and title.

WLM